

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: KELLY A GARDNER
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OCT 31 2001

SCIENTIFIC-ATLANTA, INC.
LEGAL DEPARTMENT

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year)

25 OCT 2001

Applicant's or agent's file reference F-6600-PC		REPLY DUE within TWO months from the above date of mailing
International application No. PCT/US00/16000	International filing date (day/month/year) 09 JUNE 2000	Priority date (day/month/year) 11 JUNE 1999
International Patent Classification (IPC) or both national classification and IPC IPC(7): H04N 7/16 and US Cl. 725/39;		
Applicant SCIENTIFIC-ATLANTA, INC.		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.4.
For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 66.2 is: 11 OCTOBER 2001

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer CHRISTOPHER GRANT Telephone No. (703) 305-4755
Facsimile No. (703) 305-3230	

I. Basis of the opinion

1. With regard to the elements of the international application:*

 the international application as originally filed the description:pages 1-37 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____ the claims:pages 38-43 _____, as originally filed
pages NONE _____, as amended (together with any statement) under Article 19
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____ the drawings:pages 1-34 _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____ the sequence listing part of the description:pages NONE _____, as originally filed
pages NONE _____, filed with the demand
pages NONE _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE5. This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

International application No.

PCT/US00/16000

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-35</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-35</u>	NO
Industrial Applicability (IA)	Claims <u>1-35</u>	YES
	Claims <u>NONE</u>	NO

2. citations and explanations

Claims 1-12, 16-28, 33 and 35 lack novelty under PCT Article 39(2) as being anticipated by Miller et al. (Miller) (WO 96/41477).

Considering claim 1, Miller discloses an interactive media services system to enable a user to receive media to an interactive media server client device, the client device coupled to a programmable media services server device (page 12, lines 6-7), the method comprising the steps of

- a) implementing an interactive media guide (pages 11 - 18);
- b) implementing said client device to present said interactive media guide to said user (page 12, line 31 - page 18, line 31); and
- c) determining whether an active session exists when said user accesses said interactive media guide (page 18, line 13 - page 18, line 31).

Claims 2-4 are met by the screens described in page 24, line 17 - page 40, line 34, figures 6-8, 15-21, 26, and 40-42.

Claims 5-12 are met by the limitations described at page 24, line 17 - page 40, line 34, page 44, line 17 - page 47, line 24, page 58, line 13 - page 59, line 15, figures 22-29 and 40-42.

Considering claim 16, Miller discloses a method for an interactive media services system to enable a user to receive media to an interactive media services client device, the client device coupled to a programmable media server device (page 12, lines 6-7), the method comprising the steps of

- a) implementing a memory (15,18,20; figure 1) for storing data of the client device;
- b) implementing an interactive media guide (page 12, line 31 - page 18, line 31); and
- c) a processor (16).

Claims 17-28 are met by the limitations described at page 24, line 17 - page 40, line 34, page 44, line 17 - page 47, line 24, page 58, line 13 - page 59, line 15, figures 6-8, 15-29, 36, and 40-42.

(Continued on Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

Considering claim 32, Miller discloses an interactive media services system comprising:

- a) a programmable media services server (page 12, lines 6-7);
- b) interactive media services client device (figure 1);
- c) interactive media guide to be displayed (pages 12-18); and
- d) an interface to said media server to allow system operator to configure....interactive media guide (an operator is inherently at the central facility for editing, preparing and/or packaging and the program guide transmitted to users)

Claim 35 is met by the pay-per-view programming discussed throughout the reference including but not limited to pages 24 - page 40 and figures 22-29.

Claims 1-16 lack novelty under PCT Article 33(2) as being anticipated by Gordon (WO 98/31116).

Considering claim 1, Gordon discloses an interactive media services system to enable a user to receive media to an interactive media server client device, the client device coupled to a programmable media services server device (102, figure 1), the method comprising the steps of

- a) implementing an interactive media guide (page 7, lines 1-19);
- b) implementing said client device to present said interactive media guide to said user (pages 9-11); and
- c) determining whether an active session exists when said user accesses said interactive media guide (see the entire document including but not limited to page 7, lines 32-37, page 8, lines 9-23, page 11, line 27 - page 12, line 6).

Claims 2-4 are met by the screens described in pages 12-28, figures 3-5 and 9-19.

Claims 5-13 are met by the limitations described in relation to figures 14-18.

Claims 14-15 are met by the limitations described at page 11, line 32 - page 12, line 6 and figures 3-5.

Considering claim 16, Gordon discloses a method for an interactive media services system to enable a user to receive media to an interactive media services client device, the client device coupled to a programmable media server device (102, figure 1), the method comprising the steps of

- a) implementing a memory (DRAM, RAM 220, figure 2) for storing data of the client device;
- b) implementing an interactive media guide (page 7, lines 1-19); and
- c) a processor (212).

Claims 16 and 29-35 lack novelty under PCT Article 33(2) as being anticipated by Makoto (EP 725 538).

Considering claims 16 and 33, Makoto discloses a method and corresponding apparatus for an interactive media services system to enable a user to receive media to an interactive media services client device, the client device coupled to a programmable media server device (broadcasting station), the method comprising the steps of

- a) implementing a memory (35,36,38 figure 11A) for storing data of the client device;
- b) implementing an interactive media guide (abstract); and
- c) a processor (29, figure 11A).

Claims 29-32 and 34-35 are met by the "language" limitations described at page 11, column 20, line 41 - line 48.

----- NEW CITATIONS -----

NONE